

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Application of:	:
Bhupesh Gupta	:
	: Before the Examiner:
Serial No: 09/998,392	: Quoc A. Tran
	:
Filed: 11/29/2001	: Group Art Unit: 2176
	:
Title: APPARATUS AND METHOD	: Confirmation No.: 7315
OF HIGHLIGHTING CATEGORIZED	:
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NOTICE OF APPEAL UNDER 37 CFR §41.31

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Appeals from the Decision of the Primary Examiner of June 22, 2007 to reject the claims.

In a Final Office Action dated January 11, 2006, the Examiner rejected the claims in this Application under 35 U.S.C. §103(a) as being unpatentable over Nation in view of Burke. On May 23, 2006, Applicants appealed this decision. In an Office Action dated November 28, 2006, the Examiner reopened the Application's prosecution. In that Office Action, the Examiner rejected the claims under 35 U.S.C. §103(a) as being unpatentable over Meyerzon et al. Applicants/Appellants reinstated the Appeal and argued that Meyerzon et al did not teach the claimed invention. In an Office Action dated June 22, 2007, the Examiner re-reopened prosecution of the Application and rejected the claims under 35 U.S.C. §103(a) as being unpatentable over Himmel et al. in view of Pitkow et al. Applicants/Appellants do not believe that the references teach the claimed invention or make the invention obvious and thus once more request reinstatement of the Appeal.

AUS920011027US1

Appl. No. 09/998,392  
Notice of Appeal dated 09/21/2007  
Reply to Office Action of 06/22/2007

This Notice of Appeal is being submitted concurrently with an Appeal Brief  
filed under 37 CFR §41.37.

Respectfully Submitted

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